

REMARKS

Following entry of this Amendment, claims 8 and 21-30 are pending in the above-identified application. Claim 8 has been amended and claims 21-30 have been added to restore the scope of the claims closer to what they were originally when the application was filed on February 28, 2005. The amendments are intended to clarify different entities and associated roles suggested within the original disclosure, specifically, a “service requestor,” a service site” and a “management site.” Support for these particular entities are illustrated clearly in **FIG. 1** and described in the corresponding text of the Specification. Support for a “memory” and a “processor” can be found in **FIG. 3**, for example, hard disk **105** and floppy disk drive **109** for “memory” and CPU **101** for “processor.” In addition, claims elements in new claims 21-30 correspond to claimed elements of original claims 1-7 and 9-20, which are considered part of the original disclosure.

Claim 8 is rejected under 35 U.S.C. §102(a) as being anticipated by Mani (“Understanding Quality of Services for Web Services,” hereinafter referred to as “Mani”). Applicants submit that these amendments and remarks overcome all of the Examiner’s outstanding objections and rejections and bring the present Application into condition for allowance. Entry of this amendment and a notice of allowance of all the remaining claims are therefore respectfully solicited.

Rejection Based on §102(b)

Claim 8 is rejected under 35 U.S.C. §102(a) as being anticipated by Mani. As stated above, claim 8 has been amended to clarify the different disclosed entities and their corresponding roles, specifically, a “service requestor,” which request a service, a “service site,” that provides a service, and a “management site,” which manages the search for the service site and collects Quality of Service (QoS) information associated with the service site and transmits QoS information to the service requestor.

In short, both the claimed subject matter and Mani are directed to the issue of QoS related to web services, however they approach the issue from fundamentally different directions. The following cited excerpt illustrates the approach taken by Mani, with specific elements that differ from the claimed subject matter underlined:

OoS negotiation & binding establishment

The following steps should be performed during binding establishment using a QoS-enabled Web services platform:

1. The service requestor requests the establishment of the binding by specifying the reference to the Web service interface. This request also contains the required QoS.
2. The QoS broker searches for the service providers in the UDDI.
3. The Qos broker performs QoS negotiation as described below.
4. The Qos broker compared the offered Qos with the required Qos and uses its internal information to determine an agreed Qos. This process is called Qos negotiation.
5. If the Qos negotiation has been successful, the service requestor and service provider are notified that a negotiation has been successful and a binding has been built. From this moment on these objects can interact through the binding..

(p. 2, lines 3-10; *emphasis added*). Firstly, in Applicants' claimed subject matter, the QoS information is not transmitted to the "management site." Secondly, Applicants' management site does not compare QoS information to determine an agreed Qos but rather the "search requestor [obtains] a service search result from the management site including information for determining the QoS." Mani does not teach or suggest this transmission of QoS information to the service requestor. Thirdly, because in Mani the QoS broker compares Qos information and selects a service provider, Mani does not suggest a method in which the "service requestor [] select[s] among the at least two service providers." For the reasons stated above, Applicants respectfully requests withdrawal of the §102(a) rejection of claim 8.

To anticipate a claimed invention under §102(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, "All words in a claim must be considered in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*). Applicants believe that the cited art fails to meet this standard. For the reasons above, claim 8 is allowable over the cited art. Therefore, Applicants respectfully request withdrawal of the §102(a) rejection of claim 8.

CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that the pending claim is allowable and earnestly solicits notice thereof. Applicants are not conceding in this application that the unamended claims are not patentable over the art cited by the Examiner, as the present claim amendment is only for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. A Request for a One-Month Extension of Time to file this Amendment by April 23, 2009 is being filed and paid for concurrently with this filing. It is believed that no other fees are due with the filing of this Amendment/Response. However, should any other fees be due, the Commissioner is hereby authorized to charge such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted,

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